

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Justin Rand on March 19, 2009.

The application has been amended as follows:

Claim 44, line 2, after "viruses" delete therefore "comprising" and insert therefore ----and bacteria consisting of----;

Claim 44, component (a) after "an organic acid, which is" delete therefore "pyroglutamic acid or gluconic acid" and insert therefore ---selected from the group consisting of: pyroglutamic acid, adipic acid, gluconic acid, gluconolactone acid, glutamic acid, glutaric acid, glycolic acid, tartaric acid, ascorbic acid, benzoic acid, salicylic acid, citric acid, malic acid, succinic acid, lactic acid and combinations thereof----;

Claim 44, component (c), after "2.0 to about 4.5" delete therefore  
"; and wherein said viruses include one of at least rotavirus, coronavirus, respiratory syncytial virus, and combinations thereof";

Delete claims 45, 53-62.

Applicant's amendment calls out the transitional phrase to "consisting of" and therefore limits the claimed invention to only ingredients specified in the claims. Beerse

Art Unit: 1796

et al and Wei et al require additional components outside the scope of the claimed invention. Accordingly, the claims are allowable over the art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholus Ogden, Jr. whose telephone number is 571-272-1322. The examiner can normally be reached on M-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Necholus Ogden, Jr./  
Primary Examiner  
Art Unit 1796

no